

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Private Aided Junior Colleges – Hon'ble High Court – Implementation of the orders dated 14-2-2011 in W.P.No.14482 of 2006 filed by Smt.G.Parvathi Devi, Junior Lecturer (unaided) in Telugu, Antarvedipalem Firka Development Trust Junior College, Malikipuram, East Godavari District for absorption into Grant-in-Aid post – Orders - Issued.

HIGHER EDUCATION (I.E.II) DEPARTMENT

G.O.Ms.No. 15

Dated:07-03-2013

Read the following:-

- 1) Hon'ble High Court of A.P., orders dated 14-02-2011 in W.P.No.14482 of 2006.
- 2) Contempt Case No.557 of 2012 filed by Smt.G.Parvathi Devi, J.L.(Unaided), AFDT. Junior College, Malikipuram, East Godavari District.
- 3) Hon'ble High Court of A.P., orders dated 05-09-2012 in W.A.No.1047 of 2012.
- 4) From Commissioner of Intermediate Education, A.P., Hyderabad Lr.Rc.No.Admn.I-B-1/12132/2006, dated 10-10-2012.
- 5) Govt.Memo No.4294/IE.II-1/2011, dated 09-11-2012.
- 6) Hon'ble Supreme Court of India orders dated 7-1-2013 in SLP.No.38336 of 2012.
- 7) Hon'ble High Court orders dated 01-02-2013 in C.C.No.557 of 2012.
- 8) From Commissioner of Intermediate Education, A.P., Hyderabad Lr.Rc.No.Admn.I-B-1/12132/2006, dated 26-2-2013.

-X-X-X-

ORDER:

Smt.G.Parvathi Devi, unaided Junior Lecturer in Telugu, is working in Antarvedipalem Firka Development Trust Junior College, Malikipuram, East Godavari District against the aided vacancy from 01-11-1990. As per Court orders dated 28-1-2006 in W.P.No.1515 of 2006 which was filed by her for regularization, the Government in its Memo No.1679/IE.II-1/2006-5, dated 16-5-2006 rejected the claim of the individual on the grounds that the individual has not fulfilled the conditions laid down in G.O.Ms.No.328 Education(CE.III) Department, dated 15-7-1997 as she is appointed on 01-11-1990, insufficient work load and also in terms of ban orders issued in G.O.Ms.No.35, Higher Education (CE.II-1) Department, dated 27-3-2006.

2. Aggrieved by the above orders, Smt.G.Parvathi Devi, unaided Junior Lecturer in Telugu, Antarvedipalem Firka Development Trust Junior College, Malikipuram, East Godavari District has filed W.P.No.14482 of 2006 in the Hon'ble High Court and the Hon'ble Court has passed orders in the reference 1st read above, as follows.

".....the Writ Petition is allowed setting aside the impugned order dated 16-5-2006 and the respondents are directed to absorb the petitioner against any one of the aided vacancies of Junior Lecturers in Telugu in the 5th Respondent College (Antarvedipalem Firka Development Trust Junior College, Malikipuram, East Godavari District) with effect from the date of the recommendation made i.e. 3-12-2001, on which date the imposition of ban was not available and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order."

3. In the reference 2nd read above, while the matter is under examination, Smt.G.Parvathi Devi, unaided Junior Lecturer in Telugu, A.F.D.T. Junior College, Malikipuram, East Godavari District has filed Contempt Case No.557 of 2012 for non-implementation of Hon'ble High Court orders dated 14-2-2011 in W.P.No.14482 of 2006.

4. As per orders of the Government, the Commissioner of Intermediate Education, A.P., Hyderabad has filed W.A.No.1047 of 2012 before the Hon'ble Division Bench. In the reference 3rd read above, the Hon'ble High Court in its orders dated 5-9-2012, dismissed the appeal observing that the Writ petitioner/1st respondent herein was appointed by following due process of law and her appointment was approved by the Board of Intermediate Education by proceedings dated 17-12-1998. Therefore, as and when a vacancy arises to the aided post, she is entitled to be absorbed in such vacancy. The Court held that the order of the single judge does not suffer from any irregularity or illegality warranting interference.

5. In the reference 4th read above, the Commissioner of Intermediate Education, A.P., Hyderabad has requested the Government for permission to file SLP. in Supreme Court immediately and with reference to the instructions issued by the Government in the reference 5th read above, the CIE. has filed S.L.P.No.38336 of 2012 against the orders of Hon'ble High Court dated 5-9-2012 in W.A.No.1047 of 2012.

6. In the reference 6th read above, the Hon'ble Supreme Court in its orders dated 7-1-2013 in S.L.P.No.38336 of 2012, while dismissing the S.L.P., has granted eight weeks time for implementation of the orders dated 14-2-2011 in W.P.14482 of 2006 of Hon'ble High Court.

7. In the reference 7th read above, the Hon'ble High Court in its orders dated 1-2-2013 in C.C.No.557 of 2012 has ordered for appearance of the respondents in the event the order is not complied with by 8-3-2013, as the (8) weeks time granted by Hon'ble Supreme Court would expire on 4-3-2013.

8. In the reference 8th read above, the Commissioner of Intermediate Education, A.P., Hyderabad has stated that the Hon'ble Supreme Court in its orders dated 7-1-2012 dismissed the S.L.P.No.38336 of 2012 and granted (8) weeks time for implementation of the orders. A Review Petition was also filed in the Hon'ble Supreme Court vide SR.No.4250/2013 against its orders dated 7-1-2013 in S.L.P.No.38336 of 2012. Further orders on the review petition is awaited. The Contempt Case of Smt.Parvathi Devi is listed for hearing on 8-3-2013 and the Hon'ble High Court has ordered for personal appearance of officers. The Commissioner of Intermediate Education, A.P., Hyderabad is therefore requested the Government to consider issuing orders to Smt.Parvathi Devi into aided post on a purely temporary basis until the review petition is finally decided by the Supreme Court.

9. Government after careful examination and in order to comply with the orders of the Hon'ble High Court and since there is no other alternative except to implement the Hon'ble Court orders, hereby permit the Commissioner of Intermediate Education to absorb Smt.G.Parvathi Devi, unaided J.L. in Telugu, A.F.D.T. Junior College, Malikipuram, East Godavari District into Grant-in-Aid post with effect from 3-12-2001, as a special case.

10. The orders issued in para (9) above are subject to outcome of Review Petition filed against the orders dated 7-1-2013 in S.L.P.No.38336 of 2012 before the Hon'ble Supreme Court. These orders are applicable to the Writ Petitioner only.

11. The Commissioner of Intermediate Education, Hyderabad shall take further action accordingly.

12. This order issues with the concurrence of the Finance (Expr.HE) Department, vide their U.O.No.5638-A/43/A1/PC.III/2013, dated 05-03-2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI,
PRINCIPAL SECRETARY TO GOVERNMENT (SE)

To
The Commissioner of Intermediate Education, A.P., Hyderabad, A.P.,
Hyderabad.

Copy to:

Smt.G.Parvathi Devi, unaided Junior Lecturer in Telugu, A.F.D.T. Junior
College, Malikipuram, East Godavari District through Commissioner of
Intermediate Education, Hyderabad.

The Secretary & Correspondent, A.F.D.T. Junior College, Malikipuram, East
Godavari District through Commissioner of Intermediate Education,
A.P., Hyderabad.

The Director of Treasuries & Accounts, Hyderabad.

The District Treasury Officer, Kakinada, East Godavari District.

The Director of Local Fund Accounts, Hyderabad.

The Govt.Pleader for H.E.Dept., A.P.High Court, Hyderabad.

The Finance (PC.III) Dept.

SF/SC.

//Forwarded: By order//

SECTION OFFICER